

Message

From: Lazos, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15D4F11C6327474BB424A24CBD406E93-PLAZOS]
Sent: 4/28/2021 6:27:02 PM
To: Rivera, Nina [Rivera.Nina@epa.gov]
Subject: RE: please add an update on CRw to the hot issues paper.

Muchas gracias.

From: Rivera, Nina <Rivera.Nina@epa.gov>
Sent: Wednesday, April 28, 2021 2:24 PM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>
Subject: RE: please add an update on CRw to the hot issues paper.

Will do

From: Lazos, Pamela <Lazos.Pamela@epa.gov>
Sent: Wednesday, April 28, 2021 2:23 PM
To: Rivera, Nina <Rivera.Nina@epa.gov>
Subject: RE: please add an update on CRw to the hot issues paper.

Looks great, Nina, thanks. Will you send it wherever it needs to get sent?

From: Rivera, Nina <Rivera.Nina@epa.gov>
Sent: Wednesday, April 28, 2021 1:27 PM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>
Subject: RE: please add an update on CRw to the hot issues paper.

Some edits:

- **US and PADEP do not concur with Environmental Integrity Project's (EIP) Motion to Intervene in negotiations to amend Partial Consent Decree (PDC) with Capital Region Water (CRW):** EIP contacted DOJ and PADEP regarding the potential filing of a Motion to Intervene in the matter of U.S. v. Capital Regional Water and the City of Harrisburg, where the parties are currently negotiating an amendment to the Partial Consent Decree. On April 28 DOJ advised EIP that it would not concur on their motion to intervene and would not enter into a common interest agreement with EIP which EIP had requested as *quid pro quo* to stay the filing of their motion.

Ex. 5 Deliberative Process (DP)

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From: Lazos, Pamela <Lazos.Pamela@epa.gov>
Sent: Wednesday, April 28, 2021 1:14 PM
To: Rivera, Nina <Rivera.Nina@epa.gov>
Subject: RE: please add an update on CRW to the hot issues paper.

How's this – and modify at will:

- **DOJ and PADEP do not concur with Environmental Integrity Project's (EIP) Motion to Intervene in negotiations regarding the Amended Partial Consent Decree (PCD) with Capital Region Water (CRW):** EIP contacted DOJ and PADEP regarding the filing of a Motion to Intervene in negotiations between CRW, the U.S., and PADEP, our co-plaintiff, in the matter of U.S. v. Capital Regional Water and the City of Harrisburg. Today, DOJ advised EIP that it would not concur on their motion to intervene and would not enter into a common interest agreement with EIP which EIP had requested as *quid pro quo* to stay the filing of their motion. The U.S., PADEP, and CRW have been negotiating a list of projects which will be the subject of the amended PCD and which are designed to bring the Harrisburg wastewater treatment and collection system to 77% capture over the next ten years, allowing CRW to complete an approvable LTCP within that period. By entering into an amended Partial Consent Decree, CRW retains the requirement to concurrently develop an approvable LTCP with an adaptive management approach. Region 3 has drafted an amended PCD, updating the 6-year old PCD to reflect the work that has been done to date and the forthcoming work. DOJ is reviewing that document after having agreed to waive stipulated penalties in the amount of \$659,000 accrued as a result of CRW's failure to submit an approvable LTCP by April 2018. Region 3 is still pursuing stipulated penalties in the amount of \$6,000 for SSOs and DWOS since November 2019, the last time stipulations for SSOs/DWOS were collected. EPA hopes that DOJ can send the draft agreement to CRW within the next few weeks.

From: Rivera, Nina <Rivera.Nina@epa.gov>
Sent: Wednesday, April 28, 2021 11:51 AM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>
Subject: RE: please add an update on CRW to the hot issues paper.

Here is a prior blurb to get you started:

- **EPA working on Amended Partial Consent Decree with Capital Region Water (CRW):** Region 3 has drafted modifications to the current Partial Consent Decree (PCD), updating the 5-year old PCD to reflect the work that has been done. The case team met on December 30 to finalize modifications which are now being reviewed by DOJ before sending to CRW; PADEP has already approved them. There are two outstanding issues: one is the amount of involvement of the City of Harrisburg under the PCD; and two is whether we should seek stipulated penalties for CRW's failure to provide a LTCP within a timely fashion under the PCD. Stipulations have accrued in the amount of \$659,000 for failure to submit an approvable LTCP by April 2018. The Region would like to forego collection of these stipulated penalties and instead put the money into remediation of the facility. The Region would still like to pursue stipulated penalties in the amount of \$6,000 for SSOs and DWOS since November 2019, the last time stipulations for SSOs/DWOS were collected. CRW has provided EPA with a list of projects to be implemented over the next 10 years. The projects are designed to bring the Harrisburg wastewater treatment and collection system to baseline and allow CRW to complete an approvable LTCP. The remedial projects and several proposed CSO projects will bring the CRW combined collection system to 77% capture within the 10-year period, allowing CRW to move ahead with the LTCP. By entering into an amended Partial Consent Decree, CRW retains the requirement to concurrently develop an

approvable LTCP with an adaptive management approach. EPA hopes that DOJ can send the draft agreement to CRW within the next month.

From: Lazos, Pamela <Lazos.Pamela@epa.gov>
Sent: Wednesday, April 28, 2021 11:47 AM
To: Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Mastro, Donna <Mastro.Donna@epa.gov>; Rivera, Nina <Rivera.Nina@epa.gov>
Subject: RE: please add an update on CRw to the hot issues paper.

Will do.

From: Rodrigues, Cecil <rodrigues.cecil@epa.gov>
Sent: Wednesday, April 28, 2021 11:40 AM
To: Mastro, Donna <Mastro.Donna@epa.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Rivera, Nina <Rivera.Nina@epa.gov>
Subject: please add an update on CRw to the hot issues paper.

Thanks. Cecil.
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